

**Special Meeting Minutes  
Monday, September 29, 2008  
Meeting Scheduled Start Time: 10:05 AM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control  
District, Library District, Stadium District, Improvement  
Districts, and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Andrew Kunasek, District 3, Chairman  
Max Wilson, District 4, Vice Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Conference Room  
301 W Jefferson, 10th Fl  
Phoenix, AZ

## **BOARD OF SUPERVISORS**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 10:05 AM on Monday, September 29, 2008, in the Supervisors Conference Room with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, Supervisor District 1; Max Wilson, Supervisor, District 4; Mary Rose Wilcox, Supervisor, District 5. Absent: Don Stapley, Supervisor, District 2. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager, and Victoria Mangiapane, Deputy County Attorney.

**Pursuant to A.R.S. § 38-431.05, the purpose of this meeting is to ratify the prior actions of the Board taken at the meeting previously held on September 17, 2008. The items to be ratified are listed below and further described in the detailed written description available from the Clerk of the Board. NOTE: The numbers assigned to the agenda items are consistent with how they were numbered on the September 17, 2008 meeting agenda for ease of reference.**

## **PRESENTATION/ACTION**

Chairman Kunasek stated "this is a special ratification meeting being called pursuant to the Open Meeting Law to ratify the past actions taken by the Board of Supervisors on September 17, 2008 during a portion of the Board's meeting that may have been inaccessible to members of the public. The public notice and agenda for today's meeting as well as a detailed written description of the agenda items presented for ratification have been prepared and posted in accordance with A.R.S. 38-431.05. These documents are available from the Clerk of the Board and there are additional copies here at the meeting."

The Chairman went on to say "the action before the Board is to ratify agenda items 7-20 as previously decided by the Board on September 17, 2008. A 'yes' vote to ratify these actions will make the actions taken on items 7-20 valid and effective as of September 17, 2008. A 'no' vote, or no action by the Board, will render the actions taken on agenda items 7-20 null and void."

Chairman Kunasek then asked for a motion. Supervisor Wilson said "I move that we

ratify the actions previously taken on agenda items 7-20 at the September 17, 2008 meeting." Supervisor Brock seconded the motion.

Supervisor Wilcox stated that she was in agreement with the vote to ratify items 7 through 20 from the September 17, 2008 meeting except for item 11. Supervisor Wilcox said she would like to offer a substitute motion. She said "last Friday, September 26, the Town of Guadalupe filed a Civil Rights Complaint in the United States District Court alleging that the Sheriff's request to terminate the Agreement for Law Enforcement Services was motivated by criticisms of Sheriff Arpaio by former Mayor Rebecca Jimenez. I feel that we as a Board should not take action to approve the request of the Sheriff's office to terminate the Agreement until we have had an opportunity to consult with our legal counsel and investigate the allegations for ourselves. Therefore, I make a motion to continue the Board's consideration of item 11 of the Agenda of the Board of Supervisors Special Ratification Meeting Agenda regarding the proposal to approve the request of the Sheriff's office to terminate the Agreement for Law Enforcement Services with the Town of Guadalupe indefinitely or until such time as we have had an opportunity to consult with legal counsel and investigate the allegations for ourselves." The motion died for lack of a second.

The Chairman then called for the vote on the motion before the Board which was to "ratify the actions previously taken on agenda items 7-20 at the September 17, 2008 meeting." The motion carried by majority vote as noted here.

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilson  
Nays: Wilcox  
Absent: Stapley

## **7. WORLD RABIES AWARENESS DAY**

Approve a resolution designating September 28, 2008, as World Rabies Awareness Day in Maricopa County and waive the rabies vaccination fee for all dogs and cats receiving rabies vaccinations at Maricopa County sponsored events scheduled September 23, 2008 and September 28, 2008. (C-79-09-021-M-00)

## **ACTION**

### **Clerk of the Board**

## **8. LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

### **a. FALCON GOLF CLUB**

Approve an application filed by James Alwier Bellows for a Person-to-Person Transfer of Series 07-070230 Liquor License from Sheila Ann Reed, for Falcon Golf Club, 15152 W. Camelback Road, Litchfield Park, AZ 85340. MCLL#6274

**b. VFW POST 12031**

Approve an application filed by Alan John Bakas for a Special Event Liquor License for VFW Post 12031, at 41703 Gavilan Peak Pkwy, Anthem, AZ 85086, at 10:00 a.m. to 7:00 p.m. on November 8, 2008. (SELL #850) (F23249)

**c. ST. STEVENS CATHOLIC CHURCH**

Approve an application filed by Fr. Pierre Hissey for a Special Event Liquor License, 24827 S. Dobson Road, Sun Lakes, AZ 85258, on October 24, 2008 from 5:00 to 10:30 p.m. MCSELL #846 (F23249)

**d. CATHOLIC DAUGHTERS OF THE AMERICAS**

Approve an application filed by Joan Therese Cosson for a Special Event Liquor License, 14818 W. Deer Valley Drive, Sun City West, AZ 85375 on October 26, 2008 from 3:00 to 6:00 p.m. MCSELL #851 (F23249)

**Public Works**

**9. ROAD FILE DECLARATIONS**

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. Road File No. 5802.** In the general vicinity of Area bounded on the North by Camelback Road, on the South by Indian School Road, on the West by Dysart Road and on the East by El Mirage Road. (Supervisory District 4) (C-91-09-015-M-00)

**AGENCY ITEMS AND STATUTORY MATTERS**

**COUNTY OFFICERS**

**County Attorney**

**10. FEDERAL EQUITABLE SHARING AGREEMENT AND ANNUAL CERTIFICATION REPORT**

Approve the FY 2007-08 Federal Equitable Sharing Agreement and Annual Certification Report between the Maricopa County Attorney's Office (agency) and the U. S. Department of the Treasury and the U. S. Department of Justice. This report accounts for federal equitable sharing funds received from the U. S. Department of the Treasury or the U. S. Department of Justice. The term of this agreement commences October 1, 2008 and expires September 30, 2009. Also, authorize the Chairman of the Board of Supervisors to sign all documents related to this certification report and agreement. (C-19-09-022-M-00)

**Sheriff**

**11. TERMINATION OF THE LAW ENFORCEMENT SERVICES CONTRACT WITH THE TOWN OF GUADALUPE**

Approve the request of the Sheriff's Office to terminate the contract for Law Enforcement Services with the Town of Guadalupe originally approved by the Board on August 22, 2007 (C-50-08-005-2-00). The Sheriff will send the final notification for the 180-day written notice to the Town with the Clerk's certification of this item. Also, approve per A.R.S. 42-17106 the following changes: reduce the Sheriff's Office FY 2009 general fund (100) revenue appropriation by (\$348,858), (\$1,205,046) annualized, and the Sheriff's Office FY 2009 general fund (100) expenditure appropriation by (\$280,559), (\$975,772) annualized.

Termination of this contract begins 180 days following the delivery of the written notice to the Town, and the anticipated termination is midnight, March 16, 2009. This item was continued from the August 6, 2008 meeting. (C-50-08-005-2-01)

**12. HIGHWAY SAFETY CONTRACT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY AND ACCEPT GRANT FUNDS**

Approve the Highway Safety Contract between the Governor's Office of Highway Safety (GOHS) and the Maricopa County Sheriff's Office and acceptance of \$40,000 in grant funding for the purpose of purchasing a one-time addition to the fleet of one unmarked aggressive driver car. The Planned Project Period is May 1, 2008 through April 30, 2009. Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2008-09 not-to-exceed \$40,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The Sheriff's Office FY 2008-09 indirect costs rate is 12.2%. The Grantor does not allow for indirect cost recovery. This is a capital purchase therefore there is no indirect costs associated with this grant (\$4,880). (C-50-07-560-3-01)

**13. DONATION TO SHERIFF'S M.A.S.H.**

Accept the \$400 donation to the Maricopa County Sheriff's Animal Safe Hospice (MASH) from Randy Hart. (C-50-09-019-M-00)

**14. DONATION REPORTS**

Accept the donation reports received from Sheriff's Department for August 2008. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-104-D-00)

**Juvenile Probation and Detention**

**15. AMENDMENT TO AGREEMENT WITH GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES, DIVISION FOR CHILDREN**

Approve Amendment No. 2 to an agreement between Governor's Office for Children, Youth and Families, Division for Children (Amendment No. 4, Sub-grantee Agreement #J1-CSG-07-7181-01Y2) and Maricopa County through the Juvenile Probation Department in the amount of \$158,251 (includes prior amendment of \$39,563 plus

balance of Year 3 funding). This amendment is funded by a grant from Governor's Office for Children, Youth and Families, Division for Children, Amendment No. 4, Sub-grantee Agreement #J1-CSG-07-7181-01Y2. The purpose of this amendment is to extend date of grant and increase funding. This amendment is effective from July 1, 2008, to June 30, 2009. All other terms and conditions of this agreement remain in full force and effect. The 2009 Juvenile Probation indirect rate was 32.1% and the grantor capped the allowable indirect rate at 10% of grant funded direct program expenses. The total indirect costs are \$46,180, of which \$14,386 are allowable and \$31,794 are unallowable.

The Justice Involved Youth With Children (JIYWC)/Helping Others with Parenting Education (HOPE) Program offers pregnant and parenting teens the opportunity to participate in parenting and life skills training within each detention facility – Durango and SEF, as well as at community centers. Parenting Case Managers at each location are responsible for participant recruitment, facilitation of programming (by community partners and/or by the Case Managers themselves) and case management/aftercare services. Baby Camps for young mothers and young fathers are held in the spring and fall, to allow pregnant and parenting teens an opportunity to spend a weekend attending workshops designed to increase parenting skills, self-esteem and life skills – while interacting with their children and peers. Transportation, food and program expenses are provided as part of the program. This grant extension will provide continued funding for three Youth Parenting Case Manager positions, ongoing training for staff and program partners, and collaboration with partners to provide additional services for youth such as programming and the Baby Camps for Young Fathers/Mothers. This extension offers twelve-months time extension and twelve months (includes amendment 2 time and financial agreements) for program expenses. The Justice Involved Youth With Children (JIYWC)/Helping Others with Parenting Education (HOPE) Program offers pregnant and parenting teens the opportunity to participate in parenting and life skills training within each detention facility – Durango and SEF, as well as at community centers. Parenting Case Managers at each location are responsible for participant recruitment, facilitation of programming (by community partners and/or by the Case Managers themselves) and case management/aftercare services. Baby Camps for young mothers and young fathers are held in the spring and fall, to allow pregnant and parenting teens an opportunity to spend a weekend attending workshops designed to increase parenting skills, self-esteem and life skills – while interacting with their children and peers. Transportation, food and program expenses are provided as part of the program. (C-27-08-008-3-02)

#### **Crime Prevention - Meth Program**

##### **16. TERMINATION OF IGA WITH CITY OF PHOENIX HUMAN SERVICES DEPARTMENT FOR THE YOUNG FIRST OFFENDER PROGRAM**

Approve termination of Intergovernmental Agreement with City of Phoenix Human Services Department for the Young First Offender Program. This termination is mutually agreed upon between both parties and was effective June 30, 2008. (C-42-08-011-2-01)

#### **Correctional Health**

##### **17. WAIVER TO COMPENSATION PLAN VI.A SALARY ADVANCEMENT**

Approve a waiver to the Maricopa County Compensation Plan Section VI.A. Salary Advancement to allow a salary advancement to be effective retroactively to April 25, 2008, for Dr. Sudha Rao, MD, in Correctional Health Services (CHS), to correct an earlier erroneous placement of Dr. Rao in a lower than appropriate pay grade. The cost associated with the approval of this retroactive salary advancement request is \$1,302.32

and will be fully funded within the department's current budget this fiscal year and subsequent years. (C-26-09-002-M-00)

## **Health Care Programs**

### **18. CONTRACT RENEWAL WITH MEDPRO**

Approve an Amendment to C-39-05-033-1-02, a Contract between MEDPRO and Maricopa County through the Office of Management and Budget in the not-to-exceed amount of \$1,100,000. The purpose of this amendment is to retroactively approve an extension of this contract from July 1, 2007 through June 30, 2008, and extend this contract for an additional year from July 1, 2008 through June 30, 2009, pursuant to Section 2. This contract is for professional medical services, as authorized by Health Care Programs and Correctional Health Services. The amendment will provide for continued professional services to be provided at the public health department's clinic and other correctional health, mental health, juvenile detention facilities, and other related physician with the agreement of the MedPro and the Deputy Budget Director in an amount not to exceed \$1,100,000. This amendment is effective from July 1, 2007 to June 30, 2009; all other terms and conditions of the Contract remain in full force and effect. (C-39-05-033-1-03)

## **Management and Budget**

### **19. BUDGET MANAGEMENT CHANGE FOR THE EQUIPMENT SERVICES DEPARTMENT**

Per the Board approved Budgeting for Results Accountability Policy section D.14, approve a budget management change for the Equipment Services Department from "lump sum budgeting" to "selective line item budget review" beginning immediately through June 30, 2009. This action is necessary due to the fact that the Equipment Services Department exceeded their Board approved appropriation in FY 2007-08.

As of the final close for FY 2007-08, the Equipment Services Department has overspent their Equipment Services Fund (654) expenditure budget in the amount of \$54,879. In addition, the projected spending amounts provided by the department as required in the on-going maintenance of their budget was far less than the appropriated budget and actual expenditures. This indicates that the department needs to execute its budget in a more fiscally responsible manner. Board approved Budgeting for Results Accountability Policy section D.14 states the following: "if a department exceeds its appropriated expenditure budget, the department's expenditures will be reviewed by the Office of Management and Budget to identify the cost of the overrun. The Office of Management and Budget will report its findings, along with a recommended corrective action plan, to the Board of Supervisors/Board of Directors. Corrective action plans may include (but will not be limited to) adopting appropriated budgets for that department at the level of program/activity and/or object of expenditure and a reduction of the department's appropriated budget in the subsequent fiscal year in an amount up to the amount of the overrun in the prior fiscal year. OMB's recommended corrective action plan is to place the Equipment Services Department on a selective line item budget review plan at both the program/activity and at selected object codes. OMB has met with Equipment Services staff to develop an action plan to carry out this recommendation. This will include monthly meetings to assess prior month actuals and forecasts as well as on-going monitoring of all expenditures. (C-49-09-020-6-00)

**20. AGREEMENT AND ACCEPT FUNDS FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR HIV/AIDS SERVICES**

Approve the agreement and acceptance of grant funds from Department of Health and Human Services, Grant No. H3MHA08443-02-00, in the not-to-exceed amount of \$210,026. These grant funds are for services to minorities infected with or affected by HIV/AIDS. The grant award begins on August 1, 2008 and ends on July 31, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. \$178,522 is passed through to subrecipients and is not subject to indirect cost. The grant allows a 10% rate for indirect costs, or \$2,864 which may be incurred by the Health Care Programs or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has estimated the Health Care Programs' composite indirect cost rate at 10%. The recoverable indirect cost of administering this grant is \$2,864. Also, approve revenue and expenditure appropriation adjustments to the Health Care Programs (390) Public Health Grants Fund (532) associated with the grant in the amount of \$210,026 for FY 2009. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Department of Health Care Programs receives funds from HRSA, under Part A of the Ryan White HIV/AIDS Treatment Modernization Act, to provide services to people infected with, or affected by HIV/AIDS. The grant provides contracts with HIV and AIDS service organizations which deliver/enhance health related and support services for HIV positive/affected persons. These services include, but are not limited to, case management, counseling, outpatient health services, food and nutrition services, legal services, transportation, and emergency financial assistance. Pursuant to federal statute, 85% of the grant funds must be passed through to sub-contractors. (C-49-09-021-G-00)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

---

Andrew Kunasek, Chairman of the Board

ATTEST:

---

Fran McCarroll, Clerk of the Board